

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CENTRAL LABORERS' PENSION,)
WELFARE AND ANNUITY FUNDS,)

Plaintiffs,)

vs.)

Case Number: 19-927-JPG-MAB

WYANDOTTE CORP., and)
KEVIN KENT, individually,)

Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Central Laborers' Pension Welfare and Annuity Funds ("Plaintiff") Motion for Default Judgment against Defendant Wyandotte Corp ("Defendant") (Doc. 42).

There are two stages to default. First, the Clerk of Court must enter a party's default "[w]hen a party against whom a judgment for affirmative relief has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise..." Fed. R. Civ. P. 55. Then, the Court may enter a default judgment for the amount due. *Id.* "Whether a default should be entered . . . is a matter resting in the sound discretion of the trial judge." *Duling v. Markun*, 231 F.2d 833, 836 (7th Cir. 1956). The Clerk of the Court entered default December 9, 2020 (Doc. 33).

On January 18, 2021 Plaintiff moved for default judgment and motion for audit (Doc. 34). The Court granted in part and denied in part that motion (Doc. 37). Specifically, the Court denied Plaintiff's request for default judgment because "the amount due" to Plaintiff was unknown (Doc. 37, p. 2). This Court ordered Defendant to turn over its payroll records and books for completion of the audit (Doc. 37).

On a status conference with this Court on December 7, 2021, Plaintiff's counsel Thomas Kelley stated he was in contact with an individual at Wyandotte Corp. However, the documents at Wyandotte Corp were insufficient to conduct an audit. Thus, the audit has been canceled.

The Plaintiff recovers from Defendant Wyandotte Corp the following:

- the sum of five thousand six hundred eighty-six dollars and three cents (\$5,686.03) for delinquent contributions covering the time frame of October 2017 through November 2017 for Local 622;
- the sum of twenty-one thousand one hundred ninety-eight dollars and ninety-one cents (\$21,198.91) for delinquent contributions covering the time frame of April, 2018 through August, 2018 for Local 459;
- the sum of five hundred eighty-eight dollars and fifty cents (\$588.50) for liquidated damages for March, 2018 and April, 2018;
- that Defendants be given credit for a report form overpayment in January 2018 to Local 622 for one hundred twelve dollars and fourteen cents (\$112.14);
- and the costs of these proceedings to include the sum of five thousand one hundred fifty-seven dollars and twenty-five cents (\$5,157.25).

Judgment is hereby entered against the Defendant, Wyandotte Corp, in the amount of thirty-two thousand five hundred eighteen dollars and fifty-five cents (\$32,518.55). Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

IT IS SO ORDERED.

Dated: January 3, 2022

/s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE